

EXHIBIT G

NWAUZOR vs GEO GROUP
Eagle, Byron - December 05, 2019

UNITED STATES DISTRICT COURT
for the
WESTERN DISTRICT OF WASHINGTON

NWAUZOR, et al.,)	
)	
Petitioners,)	
)	
v.)	No. 3:17-cv-05769-RBJ
)	
THE GEO GROUP, INC.,)	
)	
Respondent.)	

Deposition Upon Oral Examination
of
BYRON EAGLE

Taken at 1019 Regents Boulevard
Fircrest, Washington

DATE: Thursday, 5 December 2019

REPORTED BY: Gloria C. Bell, CCR 3261

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1 Commitments Center residents perform work at subminimum
2 wages at the Special Commitment Center, who are not
3 receiving vocational training?

4 **A. Say the question again. I'm sorry.**

5 Q. It is correct that there are Special Commitment
6 Center detainees working at the facility, who are not
7 receiving minimum wages, who are not getting vocational
8 training?

9 **A. So they're not getting minimum wage. But**
10 **they -- they are all participants at a vocational program,**
11 **yes.**

12 Q. Okay. So when you the say they're participants
13 of the vocational program, are you saying that each one of
14 those participants are getting vocational training? Or
15 they're just listed within a program that's called a
16 vocational program.

17 **A. Yeah. Listed in the program, yes.**

18 Q. Okay. So you would agree that the vocational
19 program doesn't provide all of the resident participants
20 who are working at subminimum wages vocational training?

21 MS. BRENNEKE: Object to the form.

22 **A. Some probably do get vocational training.**

23 Q. (By Ms. Mell) Yeah. But they don't all, do
24 they?

25 **A. Not all.**

1 Q. Okay. So the state does not pay minimum wages
2 to Special Commitment Center detainees who are working at
3 the Special Commitment Center?

4 A. I'm trying to follow it. Say it one more time.
5 Sorry.

6 Q. The state -- the state has Special Commitment
7 Center detainees doing work for it, without paying the
8 minimum wages and without giving them vocational training.

9 MS. BRENNEKE: Object to the form. Compound.

10 A. So they all participate in the vocational
11 program if they're performing work.

12 Q. (By Ms. Mell) But they're not getting training,
13 are they?

14 A. Training in what?

15 Q. Well, it's not really vocational training;
16 correct? There's no start and stop date?

17 MS. BRENNEKE: Object to the form.

18 A. No.

19 Q. (By Ms. Mell) And there's no -- you would agree
20 that people are cleaning the toilets who aren't getting a
21 degree in anything?

22 A. Right. Yes.

23 Q. And they're cleaning the toilets at the Special
24 Commitment Center because they're detained by the State of
25 Washington, and they are not paid minimum wages to do so.

A. Yes.

Q. And, in fact, most of the participants in the vocational -- well, strike that.

The program that you're talking about in your declaration, you refer to it as an RVP; is that correct?

A. Yes.

MS. BRENNEKE: Object to the form.

A. RVP, yes.

Q. (By Ms. Mell) Okay. So when I use the term RVP, anybody who's performing work at the Special Commitment Center has a status in the RVP?

A. Right; yes.

Q. Okay. Is there anyone who is a detainee at the Special Commitment Center who performs work but isn't in the RVP?

A. Not that I'm aware of.

Q. And is it correct that Mr. Calvin Malone has performed work as clerk for the chaplain at \$2.50 per hour and as a recreational clerk at 2.50 per hour for years without receiving any credentials?

A. Credentials?

MS. BRENNEKE: Object to the form.

A. I wouldn't know exactly what credentials he may or not have received.

Q. (By Ms. Mell) Does the Special Commitment Center

1 at the Special Commitment Center in a position of
2 authority has acknowledged that it's not a vocational
3 training program?

4 MS. BRENNEKE: Object to the form.

5 **A. I don't know that.**

6 Q. Is it correct that the RVP has no syllabus?

7 **A. No syllabus?**

8 MS. BRENNEKE: Object to the form.

9 **A. I can't answer that.**

10 Q. (By Ms. Mell) Is it true you have no
11 credentialed or certified instructors in the RVP?

12 **A. We have an adult training specialist that runs**
13 **the program.**

14 Q. And the adult training specialist does not have
15 any certificates that apply to the type of instruction
16 that would enable participants to obtain certification in
17 any particular field?

18 **A. I can't answer that.**

19 Q. Okay. And why can't you answer that question?

20 **A. Off the top of my head, I'm not -- I can't**
21 **recall that person's certifications.**

22 Q. Where did the person come from?

23 **A. They -- I didn't hire the person. They had been**
24 **on staff before me.**

25 Q. Were they just working out of the Special

1 Commitment Center?

2 **A. They work for Special Commitment Center, yes.**

3 Q. And they always have?

4 **A. I don't know where they worked before the**
5 **Special Commitment Center if that's what you're asking.**

6 Q. Do you know where they worked before they took
7 the position as the vocational person?

8 **A. No, I do not.**

9 Q. Is it your understanding that person is not an
10 electrician?

11 **A. Not to my knowledge, they're not.**

12 Q. And to your knowledge, do they have any
13 credentials in any particular vocational advocacy?

14 **A. Not to my -- I don't know.**

15 Q. Is it correct that Mr. Malone worked as the
16 clerk for the chaplain and recreational clerk without
17 being in treatment?

18 MS. BRENNEKE: Object to the form of the
19 question. Beyond the scope of the 30(b)(6).

20 **A. I can't answer that either.**

21 Q. (By Ms. Mell) And is it correct that there are
22 individuals performing work who are detained and
23 performing that work for subminimum wages who aren't in
24 treatment?

25 **A. Yes.**

1 Q. The kind of work that the detainees are doing
2 includes janitorial work; is that right?

3 A. Yes.

4 Q. Is the kind of janitorial work that is necessary
5 to maintain the operational -- to maintain operations at
6 the SCC?

7 A. Some of it, yes.

8 Q. Does it include food preparation?

9 A. Yes.

10 Q. And with regard to food preparation, the
11 legislature directed the Special Commitment Center to look
12 into more cost effective means for meal preparation at the
13 facility; isn't that correct?

14 A. Yes.

15 Q. And I'm showing you what's been marked as
16 Exhibit 338. Do you recognize that document? Somehow I
17 got mine mixed up, 339. Is that the legislation that you
18 looked at in advance of your deposition? Or at least the
19 portion of -- the SCC portions of the legislation?

20 A. Yes.

21 Q. All right. And are you familiar with the
22 direction from the legislature in the Budget Act from 2015
23 directing the Special Commitment Center to review its
24 current food services for the SCC for opportunities to
25 consolidate and centralize, emphasizing opportunities for

1 increased efficiency?

2 **A. I became somewhat familiar with it.**

3 Q. Did the Special Commitment Center increase use
4 of the Department of Corrections Correctional Industries
5 Institutional Food Service?

6 **A. No.**

7 Q. Why not?

8 **A. To my knowledge, they -- we used our current**
9 **staff that were -- that were employed with the SCC.**
10 **There's been no Correctional Industry staff.**

11 Q. Do you buy Correctional Industries food and
12 serve it at the Special Commitment Center?

13 **A. I'm not aware of any food. But Correctional**
14 **Industry products like furniture.**

15 Q. Okay. What kind of furniture do you use at the
16 Special Commitment Center?

17 **A. Like, day room furniture, couches, tables,**
18 **chairs. Those kind of things.**

19 Q. Do you have any private contractors out at the
20 Special Commitment Center who use that furniture at the
21 site?

22 **A. Private contractors?**

23 Q. Yeah. Do you have any therapists who come out
24 on the island and provide services? Do you have anybody
25 else that comes out and uses those chairs and tables?

1 **A. I'm sure they do, yes.**

2 Q. Okay. What kind of people who are not state
3 employees come out and use the Correctional Industries
4 furniture that's in use at the Special Commitment Center?

5 **A. It would be state employees and contractors.**

6 Q. Okay. What kind of private contractors does the
7 Special Commitment Center use?

8 **A. There's a host. I don't know them all.**

9 Q. Name me some.

10 **A. The contractors, we have dietitians. We have**
11 **sign language, interpreters, forensic therapists, barbers,**
12 **educators.**

13 Q. So do the educators and the barbers utilize
14 products produced by Correctional Industry to deliver
15 their services out at the SCC --

16 **A. They may, yes.**

17 Q. They do. Okay. And you understand Correctional
18 Industry products are manufactured at subminimum wages
19 using incarcerated individuals in the State of Washington?

20 MS. BRENNEKE: Object to the form.

21 **A. Yes.**

22 Q. (By Ms. Mell) Okay. Did -- what did the Special
23 Commitment Center do to respond to this direction from the
24 legislature in this budget bill?

25 **A. Well, I can speak to one thing that we did to**

1 MR. MINGAY: I'm going to object to the form.

2 I believe it misstates the testimony. I believe he
3 said they don't have --

4 MS. MELL: Uh --

5 MR. MINGAY: Object that it misstates the
6 testimony.

7 MS. MELL: Okay. I got it.

8 Q. (By Ms. Mell) All right. So it's -- it's -- it
9 would be more correct or more complete to explain that
10 there are detainees working for the Special Commitment
11 Center who are not in treatment who are paid subminimum
12 wages?

13 MS. BRENNEKE: Object to the form.

14 **A. Yes.**

15 Q. (By Ms. Mell) Okay. With regard to the
16 statement here. Page 1, line 18, paragraph 4, is
17 special -- oh. "The SCC provides its residents with
18 clinical treatment and rehabilitation programs with the
19 goal of supporting eventual community transition."

20 Was your testimony based on these derived from a
21 statutory legislative purpose or is it just your thought
22 that that's the goal?

23 MS. BRENNEKE: Object to the form.

24 **A. Yeah. That's just -- that's just part of the**
25 **rehabilitation and treatment that we provide to -- or at**

1 Commitment Center?

2 **A. Nope.**

3 Q. Do you know what the population of the Special
4 Commitment Center is?

5 **A. It's about 180ish.**

6 Q. And what has been the population over the last
7 seven years?

8 MS. BRENNEKE: Object to the form.

9 **A. I don't know the numbers offhand.**

10 Q. How many of the 178 individuals work at
11 subminimum wages?

12 **A. I don't know.**

13 MS. BRENNEKE: Object to the form.

14 Q. (By Ms. Mell) How dependent is the Special
15 Commitment Center on the detainees labor?

16 MS. BRENNEKE: Object to the form.

17 **A. I don't know that either.**

18 Q. (By Ms. Mell) Is the subminimum wage labor
19 performed by the detainees a benefit to the state?

20 MS. BRENNEKE: Object to the form.

21 **A. Yes.**

22 Q. (By Ms. Mell) In what way?

23 **A. Well, there's certain things that get performed**
24 **that probably would need to be performed, and the**
25 **residences participate in doing that. So it does reduce**

1 **some cost.**

2 Q. Have you ever calculated the amount of savings?

3 **A. No.**

4 Q. Do you know whether or not this report is
5 accurate and correct as to the cost savings they were
6 estimating from use of --

7 **A. I don't.**

8 Q. -- detainee work.

9 **A. No.**

10 MS. BRENNEKE: Object to the form. Do you
11 want to point to the page?

12 MS. MELL: I think he answered the question.

13 Q. (By Ms. Mell) What are -- what are the tools
14 used to measure whether or not an individual detainee in
15 the RVP has achieved a skill?

16 MS. BRENNEKE: Object to the form.

17 **A. I'm not aware of any tools.**

18 Q. (By Ms. Mell) So there's no testing to see if
19 their skill set improved?

20 **A. Not that I'm aware of.**

21 Q. Does the Special Commitment Center give to its
22 detainee workers any diplomas or degrees?

23 **A. I can't answer. No, I'm not aware of any.**

24 Q. Do the detainees perform subminimum wage work
25 voluntarily?

1 **A. Yes.**

2 Q. Okay.

3 **A. It's their decision.**

4 Q. Okay. But if they choose not to participate in
5 subminimum wage work it affects their ability to leave the
6 facility; correct?

7 MS. BRENNEKE: Object to the form.

8 **A. No.**

9 Q. (By Ms. Mell) Does it affect their points system
10 or whatever system you use with regard to characterizing
11 their treatment success?

12 **A. I'm not aware of any impacts to that.**

13 Q. Okay. So a detainee can choose not to do any of
14 the tasks that are available for them to do, and there's
15 no consequence of any kind?

16 MS. BRENNEKE: Object to the form.

17 **A. Yes.**

18 Q. (By Ms. Mell) Is there a nonmonetary incentive
19 if they choose to do activities at subminimum wage work?

20 **A. Is there a what?**

21 Q. Is there a nonmonetary incentive for the -- for
22 those people who do choose to do subminimum wage work at
23 SCC?

24 **A. No, not that I'm aware of.**

25 Q. In your declaration -- I think you indicate that